

# BEST AVAILABLE COPY

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P. 09

OHLSSON et al  
Serial No. 09/931,280

Atty Dkt: 2380-486  
Art Unit: 2686

## REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

### **A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants basically:

1. Amend independent claims 1 and 2 to include limitations of original dependent claims 3 and 5.
2. Amend independent claims 9 and 10 to include limitations of original dependent claims 11 and 13.
3. Cancel claims 3, 5, 11, and 13 without prejudice or disclaimer.
4. Respectfully traverse all prior art rejections.

### **B. PATENTABILITY OF THE CLAIMS**

Claims 1, 2, 6-10 and 14-17 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 5,408,517 to Nyhart et al. Claims 3-5 and 11-13 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 5408,517 to Nyhart et al in view of U.S. Patent 5,267,261 to Blakeney II et al. All prior art rejections are respectfully traversed for at least the following reasons.

As amended, all independent claims (i.e., independent claims 1, 2, 9, and 10) require that a two-portioned handover sequence be performed at a destination base station for a specified mobile station. A first or preliminary portion of the handover sequence is initiated upon receipt of a first measurement report from the specified mobile station; a remaining or "another" portion of the handover sequence is initiated upon receipt of a second measurement report from the specified mobile station. The independent claims clearly specify that both the first measurement report and the second measurement report are of a pilot signal from the destination base station as received by the specified mobile station, and specifically that the first measurement report and the second measurement

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report include differing values of a signal quality measurement from the destination base station as received by the specified mobile station.

The final Office Action alleges that U.S. Patent 5,408,517 to Nyhart et al. discloses different portions of a handover (see the second full paragraph on page 10 of the Final Office Action). Applicants continue to disagree. Moreover, only Nyhart discloses only one measurement report which triggers the entire Nyhart handover operation.

The Final Office Action points to three paragraphs extending from col. 2, line 36 to col. 3, line 17. In case the Examiner is construing the first and second of these paragraphs to constitute different portions of a handover sequence, Applicants urge the Examiner to note the transition clause at the beginning of the second of these paragraphs, i.e., the "But first..." in col. 2, line 45. In other words, the fact that "controller 102 tells the source base station 104 to begin the handoff" flows from the previous actions of the following paragraph, i.e., the "But first" paragraph.

In the "But first" paragraph it is clear that all handover actions are triggered by only one measurement report. The triggering measurement is that of col. 2, lines 59 - 62, i.e., the signal quality measurement falling below a predetermined standard (202). At that point a countdown begins both in the destination base station 106 and in communication unit 108. The countdown supposedly results in the destination base station transmitting, and the source base station stopping transmission, preferably simultaneously.

Thus, U.S. Patent 5,408,517 to Nyhart et al. discloses only one triggering measurement report, and therefore cannot teach or suggest triggering two separate portions of a handover sequence responsive to two separate measurement reports.

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The Final Office Action alleges that Fig. 8 of U.S. Patent 5,267,261 to Blakeney II et al. discloses "a system where the mobile station measure the pilot strength to trigger and handoff and again to trigger the source base station to discontinue transmission". Applicants deem this observation to be irrelevant to the claimed subject matter. The detecting of the falling active pilot of base station B and transmission thereof (reflected by steps 268 and 270, respectively, in Blakeney Fig. 8) merely pertains to removing base station B from the active set (see col. 28, lines 53 – col. 29, line 8). Removal of a base station B from an active set has nothing to do with a handover sequence performed by base station A. In this regard, note that previously (before the alleged measurement of step 268) the base station A had already discontinued communications with the mobile station! (see col. 28, lines 47 – 52). The alleged measurement of step 268 may delete the source base station from the active set, but does not affect, much less trigger a portion of, a handover sequence performed by the destination base station.

Thus, neither U.S. Patent 5,408,517 to Nyhart et al. nor U.S. Patent 5,267,261 to Blakeney II et al., either alone or in combination, provide any basis for denying patentability of Applicants' claims.

#### C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

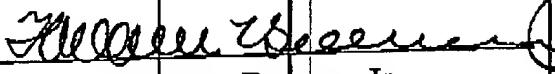
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Respectfully submitted,  
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